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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,653	07/31/2001	Franz Bauer	A34411	2669

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EXAMINER

KWOK, HELEN C

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,653

Applicant(s)

BAUER ET AL.

Examiner

Helen C. Kwok

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/15/03 & 11/26/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/08/03 and 11/26/03 have been entered.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 12/22/00. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b). It is noted that Applicant indicated that a copy of the foreign priority document was submitted on 01/04/02 and a postcard receipt dated 02/05/02 have been enclosed in the amendment filed 12/23/02. However, the Examiner is unable to locate this submission. It would be appreciated if Applicant can resubmit these documents.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 18-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, lines 5-6, the phrase "the additional direct-current magnetic field" lacks antecedent basis. Is this referring to the additional current magnetic filed excitation circuit? If so, the word "circuit" should be inserted after the word "field". If not, how could it be an "additional" direct-current magnetic field when there is no other direct-current magnetic field being claimed. Please clarify. In line 7, the phrase "the Ferraris disk compensation windings" should be changed to -- a Ferraris disk compensation windings --. In line 11, the phrase "the sensor" is vague. Is this referring to the acceleration sensor or the magnetic field sensor? Please clarify. In line 11, the phrase "said sensor" is vague. Is this referring to the acceleration sensor or the magnetic field sensor. Please clarify.

In claim 20, line 2, the phrase "the eddy" lacks antecedent basis and is not clear on its meaning. Is this referring to the eddy current? Please clarify.

In claim 21, line 2, the phrase "the magnetic field" lacks antecedent basis and is indefinite. There is no mentioning of a magnetic field from the acceleration sensor. Please clarify.

In claim 22, line 2, the phrase "the magnetic field" lacks antecedent basis and is indefinite. There is no mentioning of a magnetic field from the acceleration sensor. Please clarify. In line 3, the phrase "the field in the eddy" should be changed to -- a field

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in the eddy --. In line 3, the phrase "said magnetic field" is vague. Is this referring to the magnetic field from the magnetic field sensor the from the acceleration sensor? Please clarify.

In claim 23, line 3, the phrase "the magnetic field" lacks antecedent basis and is indefinite. There is no mentioning of a magnetic field from the acceleration sensor. Please clarify. In lines 3-4, the phrase "the variable proportional thereto" will lacks antecedent basis if one decides to depend claim 23 on claim 21 since there is no claiming of a "variable proportional"; this is only claimed in claim 22. Please correct. In lines 4-5, the phrase "the two signals" lacks antecedent basis and is indefinite. What two signals are being referred to? Please clarify.

In claim 24, line 2, the phrase "the compensation current" lacks antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 18 and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by either DE 10032143 (Schwabe) or WO 01/23897 (Schwabe).

The reference, Schwabe '143, discloses a Ferraris sensor operating method comprising, as illustrated in Figures 1-2, a measuring head 1 having a moving Ferraris disk 4, magnetic field 5, rotational field 6 detected by detector coil 3, excitation coil 1. (See, Abstract).

The reference, Schwabe '897, discloses an electrically conductive measuring structure of an acceleration sensor which functions according to the Ferraris principle comprising, as illustrated in Figures 1-3, a measuring head having a moving Ferraris disk 1, magnetic field, rotational field 6 detected by detector coil 4. (See, Abstract).

7. Claims 18-25 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0661543 (Boehringer et al.).

Boehringer et al. discloses a sensor system for an accelerometer comprising, as illustrated in Figures 1-6, an inductive measuring head having a Ferraris disk 18, magnetic field, rotational field detected by detector coil 20, excitation coil (stationary magnet system not depicted). Furthermore, a control loop is formed to produce a control signal which is generated by an integrator, signal detecting systems 19,20,22. (As observed in the figures and Abstract).

Response to Amendment


8. Applicant's arguments with respect to claims 18-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helen C. Kwok
Art Unit 2856

hck
June 10, 2004